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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested the Secretary-General to report at regular intervals on the implementation of the mandate. It covers the activities of UNMIK and developments related thereto from 1 November 2008 to 9 March 2009.

II. Political situation

2. During the reporting period, the Kosovo authorities continued to act on the basis of the "Constitution of the Republic of Kosovo". The Assembly of Kosovo, in plenary sessions held on 15 and 16 December, passed laws on the Constitutional Court, on the Foreign Service and on the Consular Service of Diplomatic and Consular Missions in Kosovo. These laws make no reference to the powers of my Special Representative under resolution 1244 (1999) or to the Constitutional Framework. Since my last report to the Security Council, of 24 November 2008 (S/2008/692), four additional States have recognized Kosovo, bringing the total to 56.

3. On 17 February 2009, celebrations organized in Pristina and at the municipal level on the occasion of the one-year anniversary of Kosovo's declaration of independence took place without incident. Statements by the Kosovo authorities reflected their perception that, during the past year, they had achieved progress in building a State, in establishing diplomatic relations and in strengthening Kosovo's economy. On the same day in Zveçan/Zvečan municipality in northern Kosovo, over 80 Serbian opposition lawmakers from the 250-seat Serbian Parliament joined delegates from the "Assembly of the Association of Serb Municipalities" in approving a declaration affirming the constitutional status of Kosovo and Metohija within the Republic of Serbia and rejecting all unilateral and separatist activities of the provisional institutions in Pristina on the independence of the province. The Kosovo authorities condemned the gathering in Zveçan/Zvečan and warned that they would deny police escort to Belgrade officials on future visits to Kosovo.

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4. While the Kosovo authorities maintain working contacts with my Special Representative, Lamberto Zannier, UNMIK faces ever-increasing challenges to its ability to fulfil its mandate envisaged in resolution 1244 (1999). There is a perception among many Kosovo Albanians that the Mission's tasks have been accomplished and its continued presence is an unwelcome obstacle to the desire for Kosovo to function as a sovereign State. The Kosovo authorities, who have been under significant pressure from opposition parties, have repeatedly stated during the past months that resolution 1244 (1999) is no longer relevant and that the institutions of Kosovo have no legal obligation to abide by it.

5. In line with the Security Council's presidential statement of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008, the Government of Serbia and a majority of Kosovo Serbs have accepted the deployment of the European Union Rule of Law Mission in Kosovo (EULEX) on condition that it would fully respect resolution 1244 (1999) and that it would operate under the overall authority of the United Nations and within its status-neutral framework. Having achieved initial operational capability, EULEX deployed Kosovo-wide without incident on 9 December. Since then, EULEX has continued to build up its presence to the current total of 1,687 international and 806 national employees.

6. To date, Kosovo Serb institutions in northern Kosovo appear reluctant to deal with EULEX on Customs issues. On 5 and 10 February, Kosovo Serbs protested against the collection of data on commercial traffic by EULEX Customs. Whereas direct contacts between EULEX and the Kosovo Serb community exist in the areas of justice and police, the assumption of operational responsibility by EULEX for the Mitrovica courthouse at the end of February triggered peaceful protests by former Kosovo Serb judicial staff. The protesters blocked the entrance to the courthouse for a few days before allowing the first EULEX trial to start. On 5 March, a visit to northern Kosovo by the Kosovo Police Commander, accompanied by the head of EULEX police, was cut short as hundreds of Kosovo Serbs blocked the roads and the entrance to police stations in protest. In Kosovo Serb-majority areas south of the Ibër/Ibar River, 310 out of a total of 330 Kosovo Serb officers continue to refuse to work within the Kosovo Police and remain suspended from service with full pay.

7. Kosovo Serb political leaders, as well as the authorities in Belgrade, continue to oppose the deployment of, and refuse to cooperate with, the International Civilian Office. To date, no formal contacts have been established between the Office and Kosovo Serbs, including the Serbian Orthodox Church, who insist on dealing with or through UNMIK on all matters not related to the mandate of EULEX.

8. In line with Belgrade's official policy, many Kosovo Serbs continue to reject the authority of Kosovo institutions derived from the "Constitution of the Republic of Kosovo", although increasing numbers are applying for Kosovo identity cards, driver's licences and other Kosovo documentation that facilitates their ability to live, work and move about freely in Kosovo. In the north, four municipal structures in Kosovo Serb-majority areas continue to function on the basis of Serbia's law on local self-governance. However, those northern municipalities have not objected to UNMIK's good offices in providing a link to Pristina and to municipal authorities in the southern part of Mitrovicë/Mitrovica. It is expected that municipal elections will be held in Kosovo towards the end of 2009. Attempts by the opposition to have Assembly elections held this year were rejected by the coalition parties with the support of members of the international community.

III. Security

9. The overall security situation in Kosovo remained stable. However, a series of incidents, some inter-ethnic in nature, occurred in the region of Mitrovicë/Mitrovica. Throughout November, attempts by a Kosovo Albanian to reconstruct his conflict-damaged home caused tensions in the neighbourhood of Kroi Vitaku/Brdjani in northern Mitrovicë/Mitrovica. The Kosovo Police, UNMIK Police and UNMIK formed police units intervened promptly on several occasions, preventing violence. During the month of December, 56 private and official vehicles belonging to Kosovo Albanians, Kosovo Serbs, UNMIK, United Nations agencies, the Kosovo Force (KFOR), EULEX, and various non-governmental organizations were vandalized. On 30 December, two Kosovo Albanians stabbed a Kosovo Serb near the main bridge over the Ibër/Ibar River in Mitrovicë/Mitrovica. In retaliation, some 200 Kosovo Serbs burned or damaged a number of Kosovo Albanian-owned shops, and stoned several vehicles with Kosovo registration plates. On 2 January, a hand grenade exploded outside a café in northern Mitrovicë/Mitrovica, causing material damage. In response, 200 Kosovo Serbs set fire to a Kosovo Albanian-owned shop and one Kosovo Albanian-owned home. While attempting to extinguish the fire, six firefighters were injured by a blast. On 6 January, during a quarrel concerning the installation of a water pipeline, a group of Kosovo Serbs threw stones at a group of Kosovo Albanians. The presence of KFOR was crucial in ensuring that the security situation did not deteriorate in the context of these and a number of other smaller incidents. At the initiative of the Kosovo Police Director-General and with the involvement of EULEX, there were occasional meetings between the police commander of northern Mitrovicë/Mitrovica and the commander of the police station in southern Mitrovicë/Mitrovica during January. As a result, they agreed to organize joint police patrols in areas with a mixed population.

10. On 21 January, the Kosovo Security Force was launched as envisaged by the "Constitution of the Republic of Kosovo". The North Atlantic Treaty Organization (NATO), which has undertaken to oversee its establishment and operations, announced that the Security Force would consist of 2,500 active members and 800 reservists. It is to be lightly armed and tasked to perform civil emergency operations. Over 90 per cent of Kosovo Protection Corps staff members applied to join the new security force and approximately 50 per cent were offered and accepted employment with it. Notwithstanding its intended multi-ethnic nature, only a few Kosovo Serbs have expressed interest in serving in the Force; Belgrade officials have publicly discouraged Kosovo Serbs from applying. On 21 January, I received a letter from the President of Serbia, Boris Tadić, protesting against the establishment of the Security Force, which I forwarded to the Security Council.

11. The creation of the Kosovo Security Force rendered the Kosovo Protection Corps non-operational and unviable. This required UNMIK to take appropriate measures, including abolishing the post of the Coordinator of the Corps with effect from 30 January, and renaming and reducing in size the Office of the Coordinator. The new Office will provide administrative support to remaining Corps members and liaison with the Resettlement Programme of the United Nations Development Programme (UNDP), which will support members of the Corps with their retirement or economic reintegration into Kosovo society.

IV. UNMIK reconfiguration and EULEX deployment

12. In line with the presidential statement of 26 November 2008, in which the Council welcomed my report of 24 November 2008, EULEX assumed full operational responsibility in the area of rule of law on 9 December within the framework of resolution 1244 (1999) and under the overall authority of the United Nations. As a result, after almost 10 years of service in Kosovo, UNMIK police successfully completed their operations, including in the Mitrovicë/Mitrovica region. By 9 December, EULEX had deployed 1,045 police officers throughout Kosovo without incident. Over a period of three days, UNMIK police throughout Kosovo reported to their former posts in civilian clothes and introduced the EULEX police monitors/advisers to their Kosovo Police counterparts. On 12 December, an agreement was signed between UNMIK police and EULEX on the transfer of crime investigation files. Out of a total of 1,582 UNMIK police personnel present on the ground on 1 December, all but 49 UNMIK police officers and 6 UNMIK formed police units officers were repatriated or assumed functions with EULEX police during the reporting period.

13. In the justice area, handover of certain responsibilities took place according to signed agreements on the transfer from UNMIK to EULEX of justice-related investigative and case files. Office space formerly occupied by UNMIK Department of Justice personnel is being transferred to EULEX. Upon full implementation of the agreements on the handover of files, EULEX assumed responsibility for all cases, with the exception of one ongoing criminal trial and four proceedings of the Special Chamber of the Supreme Court in Kosovo which are expected to be completed by the end of March. My Special Representative has taken steps to ensure that the appointment of EULEX judges and prosecutors is made under his authority and consistent with the applicable law under resolution 1244 (1999).

14. The courthouse in northern Mitrovicë/Mitrovica now operates on a limited basis with EULEX international judges and prosecutors as well as support staff. UNMIK is no longer present at the court. As with all other criminal cases, the transfer of all cases before the court in Mitrovicë/Mitrovica to EULEX has been completed. Local interlocutors in northern Kosovo have been informed about developments regarding the lead international role of EULEX in justice in Kosovo. In Zubin Potok, however, the municipal and minor offences courts remain non-operational as a result of the resignation of all Kosovo Serb support staff, while the municipal and minor offences courts of Leposaviq/Leposavić continue to function as part of the court system of Serbia. The Court Liaison Offices of the Kosovo Ministry of Justice, which facilitate access to justice for Kosovo Serbs and other communities, continue to operate, albeit with reduced staff and amid administrative and logistical difficulties.

15. On 9 December, EULEX international Customs officers established a limited presence at gates 1 and 31 on the Administrative Boundary Line. By 15 January 2009, EULEX Customs staff reinforcements enabled the Customs presence at the gates to move from an operational presence during daylight hours to full-time presence. On 1 February, EULEX Customs started to collect data on commercial traffic.

16. As a result of these developments, UNMIK has accelerated its reconfiguration in the rule of law sector and in the areas which supported its rule of law function.

The accelerated reconfiguration is being implemented in consultation with the main stakeholders on the ground. As the process of drawdown of UNMIK personnel proceeds, the assumption is that it will be concluded before the start of the 2009/10 budget cycle.

17. The reconfigured Mission will maintain a small field presence, in particular in Mitrovicë/Mitrovica. It will focus on reporting on minority issues, including minority representation, returns and freedom of movement, as well as issues relating to the protection, preservation and reconstruction of cultural heritage in Kosovo. A crucial political and diplomatic role continues to be played by the United Nations Office in Belgrade, which advises my Special Representative and manages contacts with Serbia's senior political leadership. The Mission also maintains an office in Skopje, which advises on, and provides evaluations of, political developments in its area of responsibility. UNMIK will continue working towards the advancement of regional stability and prosperity, based on its continued mandate under resolution 1244 (1999), in close coordination with the Organization for Security and Cooperation in Europe (OSCE) and KFOR and in cooperation with authorities in Pristina and Belgrade. Its main functions, as set out in my special report of 12 June (S/2008/354), will include monitoring and reporting, facilitation of external representation, facilitation of dialogue between Pristina and Belgrade, and activities related to the practical arrangements on the six points referred to in my reports of 12 June and 24 November 2008. As EULEX will perform the full range of rule of law operations, the UNMIK rule of law component is expected to be phased out and replaced by a small police and justice liaison office with residual functions.

V. Community issues

18. The reluctance of the Kosovo Serb community to participate in the implementation of the new framework on local governance adopted by the Kosovo authorities continues to hinder the creation of Kosovo Serb-majority municipalities and progress in decentralization throughout Kosovo. At this stage, the number of Kosovo Serb civil servants on the municipal payrolls remains low in most cases, despite variations by sector. The exceptions are in the three northern municipalities, where all local officials and almost all civil servants are from the Kosovo Serb community.

19. Implementation of the fair share financing system will not continue in 2009 owing to a change in the legal framework on local government finance introduced by the Kosovo authorities. The system, introduced by UNMIK in 2002, required spending a set percentage of a municipal budget on non-majority communities as a way to support their treatment in an equal and fair manner by their respective municipalities. With the discontinuance of the fair share financing mechanism in December 2008, the Kosovo authorities indicated their interest in participating in a new effort to track expenditure made to disadvantaged segments of the Kosovo population. A task force was established, composed of local and international stakeholders, in order to set up a new, transparent system for tracking resource allocations to non-majority communities and populations with special needs.

20. As members of minority communities continue to enjoy a considerable degree of freedom of movement, KFOR has removed the fixed checkpoints in the Kosovo Serb returns sites at Bellopojë/Belo Polje in Pejë/Peć municipality as well as at

Drajkovc/Drajkovce and Jazhincë/Jažince in Shtërpcë/Štrpce municipality. KFOR assessed that the removal of the checkpoints would neither jeopardize the security of the Kosovo Serb community nor undermine the intervention capacity of KFOR. On 1 November 2008, under Kosovo Police escort, approximately 200 Kosovo Serbs visited Orthodox cemeteries in Prizren, Suharekë/SuvaReka and Rahovec/Orahovac, celebrating All Souls' Day. On 24 November, more than 700 Kosovo Serbs and Serbian pilgrims visited Visoki Dečani monastery without escort for the celebration of Sveti Stefan, the founder of the monastery. On 21 February 2009, around 200 Kosovo Serbs travelled to the southern part of Mitrovicë/Mitrovica without escort to honour the day of the dead. This activity was coordinated with the municipal authorities, Kosovo Police, EULEX and KFOR. Following a request by a local Serb community leader, the municipal authorities cleaned the Serb cemetery in the south for the occasion. All the activities related to this day went smoothly and no incidents were reported.

VI. Returns

21. The returns statistics for 2008 show a dramatic decline in the number of voluntary minority returns to Kosovo compared to earlier years. According to estimates by the Office of the United Nations High Commissioner for Refugees (UNHCR), only 582 minority community members returned to Kosovo in 2008, as compared to 1,816 in 2007 and 1,669 in 2006. On 11 November, the Kosovo authorities launched the return and reintegration in Kosovo project, aimed at supporting the return of at least 180 displaced families. It has a budget of €7 million and is funded jointly by the European Commission and UNDP. On 12 December, 14 Kosovo Serb families returned to Berkovë/Berkovo (Klinë/Klina) under a project funded by the British Government. The Ministry of Communities and Returns has approved 109 community development and Stabilization projects for 2009, worth €2 million.

22. The authorities in Serbia, in coordination with UNHCR, have agreed to initiate a thorough survey of internally displaced persons from Kosovo to identify those interested in returning to Kosovo. The information collected will be transferred by UNHCR offices in Belgrade and Pristina for incorporation into the Ministry of Communities and Returns database for further action. In order to provide internally displaced persons with first-hand information on the current situation in their places of origin, as well as on procedures that need to be followed for return, UNHCR continued to organize "go and see visits" and "go and inform visits". In 2008, a total of 65 "go and see visits" and 37 "go and inform visits" were undertaken, with 684 and 531 beneficiaries respectively.

23. In 2008, the overall number of those involuntarily repatriated to Kosovo reached 2,495. On 1 November 2008, the Kosovo Ministry of Internal Affairs took over the processing of readmission requests and other related communications, which had formerly been carried out by UNMIK. Non-implementation by the Kosovo authorities of the reintegration strategy for the forced returnees, in particular of those belonging to vulnerable sections of society, remains a concern.

VII. Property

24. UNMIK Regulation 2006/50 concerning the Kosovo Property Agency expired on 31 December 2008. My Special Representative was asked by Belgrade to consider extending the mandate of the Agency, and he engaged in a series of discussions with all the relevant stakeholders, including the Kosovo authorities. However, the signals coming from Kosovo authorities, as well as from international stakeholders engaged in the Agency process, have so far been negative. At the same time, the Kosovo authorities and an international director appointed by the International Civilian Representative/European Union Special Representative assumed full administrative control of the Agency, which is currently operating in accordance with legislation adopted by the Assembly of Kosovo.

25. As I noted in my report of 24 November, the closure of the Kosovo Property Agency offices in Serbia has impeded the operational process leading to the final adjudication of a number of claims. According to estimates by experts, verification in Serbia-based archives and cadastre offices will be required for around 10 to 15 per cent of the claims filed. In spite of these difficulties, steady momentum has been maintained in the adjudication process. As at 31 January, more than 21,000 claims out of a total caseload of almost 40,000 claims had been adjudicated.

VIII. Cultural and religious heritage

26. UNMIK continued its efforts to support the work of the Council of Europe-led Reconstruction Implementation Commission on the reconstruction of cultural and religious heritage sites. Extensive consultations were conducted with the Council of Europe, the Serbian Orthodox Church and the Kosovo authorities on the new tendering and contract procedures for the reconstruction of the Serbian Orthodox Church sites damaged in March 2004. Following an invitation by the Secretary-General of the Council of Europe, my Special Representative visited Strasbourg, France on 13 November 2008. This visit helped clarify new approaches aimed at increasing the activities of the Reconstruction Implementation Commission and providing direction for the way forward. The requested outlay of nearly €1.2 million for 2008 for the Reconstruction Implementation Commission projects has been approved by the Kosovo Ministry of Finance and will be available for the final phase of the projects in 2009. The responsibilities for the protection of the reconstructed sites were transferred from a private security company that has guarded the sites for over a year to the Kosovo Police.

27. The United Nations Educational, Scientific and Cultural Organization (UNESCO) continued restoration works at six cultural heritage sites in Kosovo, including the two sites registered in the UNESCO World Cultural Heritage List: the Visoki Dečani Monastery and the Patriarchate of Peć Monastery. The works are being conducted under the framework of the Umbrella Memorandum of Understanding and the follow-up memoranda between UNESCO and UNMIK for projects funded by the United States and Italy. From 19 to 22 January 2009, a UNESCO expert team visited Kosovo to select sites for the implementation of a US$ 2 million project funded by the Russian Federation.

IX. Economy

28. UNMIK continued to facilitate arrangements for the engagement of Kosovo in international and regional economic initiatives. The approach of the Kosovo authorities to the Mission's role in external representation has not been consistent. This has led to ad hoc arrangements on a number of occasions. During the reporting period, UNMIK and the Kosovo Ministry of Transport and Telecommunications participated in a number of regional meetings focusing on transport issues. After a break of several months, the Kosovo authorities resumed participation in the Sarajevo-based Regional Cooperation Council, where Kosovo is represented by an UNMIK coordinator along with a Kosovo coordinator. However, the attendance of Kosovo at Energy Community meetings and meetings of the Central European Free Trade Agreement (CEFTA) has been irregular, as Kosovo ministry representatives have attempted without success to attend some meetings without UNMIK. Following an invitation by the Chair-in-Office of CEFTA, UNMIK sent a representative to the first round of bilateral consultations on trade in agricultural products in January 2009 to ensure the engagement of Kosovo in that forum. My Special Representative and several international actors have assured the Kosovo authorities that the role of UNMIK is to enable Kosovo to benefit as much as possible from regional integration.

29. On 1 December, the Kosovo authorities started to operate the "Kosovo Customs", which reports only to authorities in Pristina. The Kosovo Customs Director-General introduced new "Kosovo Customs" stamps, and communicated their introduction to the parties to the Central European Free Trade Agreement. As a result, products carrying a Kosovo "certificate of origin" stamp are currently refused entry into, or transit through, Serbia and are charged with Customs duties by Bosnia and Herzegovina as products originating from a non-CEFTA party. Pristina is attempting to address these problems through CEFTA without involving UNMIK.

X. Human rights

30. The Human Rights Advisory Panel, created by UNMIK Regulation 2006/12 as a mechanism for handling complaints of alleged human rights violations arising from matters under UNMIK responsibility, became operational in November 2007 and issued its first opinion on 12 November 2008. UNMIK liaises with EULEX to ensure prompt and thorough police and judicial investigations in cases before the Advisory Panel, and is reviewing the possibility of dealing with payment of compensation where recommended by the Panel. The workload of the Advisory Panel stood at 108 cases on 31 January 2009. Of these, 20 cases have been finalized, the majority being dismissed owing to their inadmissibility and the failure of complainants to pursue their applications; 88 cases remain active and pending. The largest number of complaints concern housing and property matters.

XI. Dialogue with Belgrade

31. The implementation of the arrangements that resulted from the dialogue with Belgrade and consultations with Pristina, described in my report of 24 November 2008, will depend on further discussions at the technical level. UNMIK has taken

several proactive steps to facilitate technical engagement by all sides in this implementation process. In mid-December, my Special Representative appointed a coordinator and set up an implementation task force comprising the heads of the relevant UNMIK substantive offices and EULEX representatives, whose participation in this process with regard to rule of law issues is now of central importance. In attempting to act on the arrangements set out in my report of 24 November, UNMIK has approached its interlocutors in Belgrade and has offered to meet at expert level. Meetings at the political level between my Special Representative and the President of Serbia, Boris Tadić, the Minister for Foreign Affairs, Vuk Jeremić, and the Minister for Kosovo and Metohija, Goran Bogdanović, were held in February as part of discussions on issues related to my report of 24 November and in preparation for the present report. My Special Representative also continued to consult with the Kosovo authorities on these issues. During all his meetings, my Special Representative emphasized the need to maintain balance in the discussions and to ensure that they are inclusive.

32. With regard to the justice sector, UNMIK and EULEX justice sector representatives have met with representatives of the northern Kosovo Serb judges and prosecutors in Kosovo to discuss steps towards the normalization of the functioning of the Mitrovica court where, following the EULEX deployment, operational responsibility has been assumed by EULEX justice personnel. Discussions have also taken place with Kosovo Albanian judges and prosecutors. UNMIK, with EULEX justice sector experts, also held technical level talks in Belgrade on 9 March. UNMIK remains firmly engaged in justice sector discussions.

33. UNMIK has placed particular emphasis on cultural heritage issues. My Special Representative met with the caretaker of the Patriarch and the current Chairperson of the Holy Synod of the Serbian Orthodox Church, Metropolitan Amfilohije, as well as with the Serbian Minister for Kosovo and Metohija, to discuss the preservation and protection of Serbian religious patrimony and the continuation of the reconstruction process led by the Council of Europe and UNESCO, as well as a framework within which to continue dialogue in this area with Belgrade and Pristina. Discussions have also taken place with representatives of the Council of Europe and UNESCO, and senior officials from the Kosovo Ministry of Culture, Youth and Sports. Early in March, UNMIK and Serbian experts held further technical level talks focusing on an effective framework for the dialogue.

34. The Kosovo authorities have repeatedly expressed their readiness to engage in discussions with Belgrade, as long as the sides are engaged on the basis of equality. For their part, Serbian authorities have also expressed their willingness to engage in dialogue with Pristina, on the condition that it would not prejudice Serbia's position on its territorial integrity and the status of Kosovo. Given the difficulties in reconciling the positions of the sides, the role of UNMIK in facilitating engagement between them on issues of mutual concern is expected to continue. This role needs to be supported and complemented by other international stakeholders active on the ground.

XII. Observations

35. Pursuant to the presidential statement of the Security Council of 26 November 2008, UNMIK has accelerated the process of the Mission's reconfiguration in line

with the provisions of my report of 24 November 2008 and of my special report of 12 June 2008. This process is expected to lead to a significantly restructured Mission, whose functions are being adapted to respond to profoundly changed circumstances on the ground. In parallel, the preparation of a revised budget for 2009/10 has also moved forward, with a view to ensuring that a reconfigured UNMIK adequately reflects remaining and emerging requirements. The Security Council's continuing support, and that of the wider international community, are crucial to ensuring that UNMIK is able to successfully implement its reconfiguration and continue to play a crucial role in maintaining peace and stability on the ground.

36. Together with the ongoing reconfiguration of UNMIK and the related drawdown of UNMIK rule of law personnel, the reporting period was marked by the assumption by EULEX of operational functions in the rule of law sector. This coordinated effort was accomplished without significant security incidents, and with the support of both Pristina and Belgrade and of all international stakeholders. It constitutes a major milestone in the international involvement in Kosovo, and a positive example of cooperation between the United Nations and the European Union.

37. I have noted the commitment of EULEX to fully respect resolution 1244 (1999) and operate under the overall authority and within the status-neutral framework of the United Nations. As EULEX gradually reaches full operational capability, its deployment and role in Kosovo need to continue to take into account the specific circumstances and concerns of all communities. In accordance with my report of 24 November, EULEX has begun to submit reports to the United Nations on its activities on a regular basis. In line with a practice agreed to with the European Union, I attach the first such report (annex I).

38. UNMIK has made efforts to engage with all sides in the discussions and implementation of the temporary arrangements in the six areas included in my report of 24 November. Such efforts need to continue at all levels and with the support of international stakeholders on the ground, as a number of practical issues that are vital to maintaining stability on the ground have yet to be resolved. I call on all involved to participate in good faith and constructively, so that this process may lead to concrete results in the interest of all the communities of Kosovo. I welcome the readiness of EULEX to participate alongside UNMIK in the discussions related to rule of law issues.

39. I would like to express deep appreciation and gratitude to my Special Representative, Lamberto Zannier, for his skilful leadership in managing the evolving role of UNMIK during a challenging period, as well as the political process that culminated in a peaceful drawdown of the Mission. I would also like to commend the staff of UNMIK for their dedicated efforts and commitment to Kosovo and the goals of the United Nations. In particular, I wish to extend my appreciation to the UNMIK justice and police personnel for their service to the Organization, as well as to all police-contributing countries for their contribution to building and consolidating the rule of law in Kosovo over almost a decade.

40. In conclusion, I would like to extend my gratitude to the United Nations long-standing partners in Kosovo — the European Union, NATO and the Organization for Security and Cooperation in Europe — as well as to the United Nations agencies, funds and programmes for their ongoing support and cooperation with UNMIK.

Annex I

Report of the Secretary-General of the Council of the European Union/High Representative for the Common Foreign and Security Policy to the Secretary-General of the United Nations on the activities of the European Union Rule of Law Mission in Kosovo

1. Summary

1. The European Union Rule of Law Mission in Kosovo (EULEX) started to implement its mandate on 9 December 2008 following declaration of initial operational capability. Cooperation with the Kosovo authorities and with rule of law agencies has been positive and productive, as have contacts with international and local partners.

2. The review and handover of files from UNMIK and other necessary preparations for the full assumption of the mandate of the Mission took place throughout the autumn and are still ongoing. The Mission expects to reach full operational capability by the end of winter.

2. EULEX activities November 2008-January 2009

3. Active preparations throughout November allowed EULEX to launch the Mission on 9 December 2008 throughout Kosovo. The deployment of EULEX Kosovo-wide on that date took place without any security incidents. On the whole, EULEX has been welcomed in Kosovo, although there was public opposition to its deployment from some non-majority communities, especially north of the River Ibar. The Head of Mission and other Mission personnel have regularly visited the non-majority areas and informed them about the role and objectives of EULEX, stressing the positive benefits to the Kosovo Serb population of a strengthened rule of law in Kosovo.

4. On 15 June 2008, Mission staffing was 256 international and 62 local staff. By the end of January 2009, 2,364 staff members (1,642 international staff and 722 local staff) were working in EULEX.

5. In order to ensure overall strategic coordination of efforts between the authorities in Kosovo and EULEX, the Joint Rule of Law Coordination Board co-chaired by the local authorities and the EULEX Head of Mission was established and has met on a monthly basis since July. The ministers of Justice, Internal Affairs, and Economy and Finance and their EULEX counterparts are also members of the Joint Rule of Law Coordination Board. A number of technical arrangements were signed on the handover of case files, premises and assets by UNMIK, as well as on cooperation with other United Nations and international actors.

6. Over the summer and autumn 2008, EULEX police and justice components examined case files and prepared their takeover from UNMIK. EULEX also participated in drafting and reviewing a number of laws in the rule of law area prior to their submission to the Assembly of Kosovo, including laws on weapons, public peace and order and private security companies. EULEX has been assisting the

Kosovo authorities with the drafting of a number of strategic policy documents, including those on anti-corruption, organized crime, counter-terrorism, and counter-narcotics, and an action plan against trafficking in human beings.

7. EULEX has maintained regular contacts with relevant international and local interlocutors, for instance, in the field of human rights, including non-government organizations.

Police

8. On 9 December 2008, EULEX police deployed to all local and regional Kosovo Police stations, police headquarters in Pristina and to all boundary points. The EULEX Police Component has started to monitor, mentor and advise its Kosovo counterparts.

9. The Head of the EULEX Police Component conferred regularly with the Kosovo Police General Director.

10. In the north, the Kosovo Police did not report directly to the Kosovo Police command in Pristina but reported provisionally through the EULEX Police Operations Room to the Head of the EULEX Police Component, who also holds the position of Head of the Kosovo Police for the non-transitioned Kosovo Police units, including the units for counter-terrorism, war crimes and lawful interception and their respective cases.

11. Following the appointment of Kosovo Police General Director Sheremet Ahmeti, the positions of the Kosovo Police Deputy General Director and the four assistant directors were advertised, and interviews with the applicants were held in January 2009. The provisional arrangements for the north do not affect the cascade of responsibilities for security incidents, which are as follows: first responder — Kosovo Police with EULEX exercising its mandate to monitor, mentor and advise; second responder — EULEX under its executive mandate; third responder — the Kosovo Force (KFOR).

12. EULEX strongly encouraged the establishment of an ethnically mixed Kosovo Police unit which began patrolling areas in north Mitrovicë/Mitrovica on 23 January 2009. The unit integrates Kosovo Serb, Kosovo Bosniak and Kosovo Albanian officers.

13. Case review and handover of criminal files between UNMIK and EULEX police proceeded smoothly. Ten cases were handed over to the EULEX Financial Investigation Unit. The handover of war crimes case files from UNMIK was completed in December 2008. UNMIK Police International Investigations Unit handed over 36 cases, some of which relate to organized crime. Priority lists for investigations are being drawn up in close cooperation with EULEX prosecutors.

14. A technical arrangement on support in civil disturbance situations was signed by Kosovo Police and EULEX police on 8 December 2008. Formed police units guard Gates 1 and 31 on a 24/7 basis and have provided escorts and support in civil disturbance situations. EULEX special police helped Kosovo Police restore order with KFOR support after unrest broke out on 30 December 2008 in northern Mitrovicë/Mitrovica, demonstrating that EULEX police are able to respond within their existing means to support Kosovo Police in all security events in the north. In

addition, escorts to third parties are provided on a regular basis when the Kosovo Police does not have the capacity to conduct such operations.

15. The EULEX Ministry Monitoring Unit has provided advice to the Ministry of Internal Affairs on the reorganization of the Ministry. Jointly with local counterparts, Unit advisers provided a quality assessment report on municipal civil registration centres. The Unit and the Ministry's Legal Department discussed ways to improve the drafting of laws and subsidiary legislation. The EULEX Witness Security Unit took over from the UNMIK Witness Protection Unit.

Justice

16. EULEX judges and prosecutors have been monitoring, mentoring and advising counterparts throughout Kosovo since July 2008.

17. From 9 December 2008, EULEX judges, prosecutors and correctional officers started to carry out the full range of their tasks. In December, EULEX and UNMIK signed an agreement on the transfer of cases to EULEX judges and prosecutors. So far EULEX judges have taken over 90 cases from UNMIK colleagues, while EULEX prosecutors have received 176 cases. These cases are subject to processing and planning of follow-up action.

18. Since January 2009, EULEX judges have been holding hearings and trials in mixed panels. The transfer of UNMIK case files is continuing, including cases at the pretrial stage, cases where indictment has been received but not confirmed, and cases in which the indictment has been confirmed and the trial is scheduled.

19. In January 2009, EULEX inherited from UNMIK reports received from 1999 onwards of more than 1,187 acts of suspected war crimes which UNMIK believes lack sufficient evidence to be handed over for prosecution and a further 50 that were referred to the UNMIK Criminal Division for indictment.

20. On 16 January 2009 the first hearing was held in the courthouse in north Mitrovicë/Mitrovica. Since 19 January 2009, two courthouse offices vacated by UNMIK became available for the use of EULEX.

21. As regards correctional services, EULEX prison escort officers have been co-located with their Kosovo counterparts since November 2008.

22. In December 2008, the Correctional Unit Escort Group became operational, monitoring, mentoring and advising counterparts on the transport of prisoners, as well as conducting such transport itself, including from north Mitrovicë/Mitrovica.

23. The EULEX Office on Missing Persons and Forensics has attended and conducted autopsies, death scene investigations and exhumations. In some cases identifications were made. The Office cooperates with Kosovo authorities, relevant international organizations and local associations of families of missing persons.

Customs

24. During the transitional phase prior to initial operational capability, the EULEX Customs Component gradually deployed most of its staff for the monitoring units and the mobile teams. EULEX Customs officers received thorough in-service training with the assistance of the Kosovo Customs. Logistical preparations including security assessments were conducted. EULEX Customs mobile teams

became operational in November 2008. On 9 December 2008, international (EULEX) Customs officers were deployed for the first time since March 2008 to Gates 1 and 31 to monitor the situation there and collect data. EULEX Customs started monitoring, mentoring and advising the senior management of the local Customs service and other Customs personnel throughout Kosovo.

25. Customs controls in the north of Kosovo will require a phased approach. In the first phase, EULEX Customs undertook logging of details of incoming commercial vehicles and their loads. On 15 January 2009, EULEX extended its attendance at Gates 1 and 31 to a 24-hour, 7-day presence.

Progress towards full operational capability

26. The Mission expects to reach full operational capability by the end of winter. Mission personnel have begun to monitor and record the results of the monitoring, mentoring and advising activities in its programmatic approach in order to build up a clear picture of the challenges in the rule of law institutions in Kosovo and measure the results of the Mission's work against its objectives. The Kosovo authorities have been briefed on this mechanism and, in the interests of local ownership of progress in the field of rule of law, the results will be shared with them.

Approved by Yves de **Kermabon**
Head of Mission

Annex II

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 9 March 2009)

Country	*Number*		
Bulgaria	1		
Croatia	1	Ukraine (formed police unit)	6
Germany	4		
Ghana	3		
Greece	1		
India	1		
Italy	6		
Kyrgyzstan	2		
Pakistan	1		
Philippines	4		
Romania	1		
Russian Federation	3		
Slovenia	1		
Turkey	14		
Ukraine	6		
	49		**6**

Annex III

Composition of the Kosovo Police Service

(as at 9 March 2009)

Category	*Percentage*	*Number*
Kosovo Albanians	84.60	5 981
Kosovo Serbs	9.92	701
Other ethnic minority members	5.49	388
Total		**7 070**
Men	86.66	6 127
Women	13.34	943

Annex IV

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 9 March 2009)

Country	*Number of liaison officers*
Bangladesh	2
Bolivia	1
Bulgaria	1
Chile	1
Czech Republic	1
Denmark	1
Ireland	2
Norway	1
Pakistan	1
Poland	1
Romania	2
Russian Federation	1
Spain	2
Ukraine	4
Total	**21**

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